

March 21, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20515

The Honorable Charles Schumer
Minority Leader
U.S. Senate
Washington, DC 20515

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Leaders McConnell and Schumer and Speaker Pelosi and Leader McCarthy,

The COVID-19 pandemic occurring in the United States should be of utmost concern to every lawmaker in the country. We are grateful to the Senate for their leadership as they work to craft and pass the third package of coronavirus-related relief. The undersigned Civil Rights and Disability organizations write with the following priorities that must be included in the legislation being considered around COVID-19. The disability community is incredibly diverse as disability impacts every community across our nation. People with disabilities are, and will be, particularly vulnerable as COVID-19 spreads across the country, facing high risk of complications and death if exposed to the outbreak and needing to isolate themselves for protection. We urge Congress to focus on people with disabilities, regardless of immigration status, and their needs in legislation in response to the outbreak.

The following represents a non-exhaustive list of the needs that must be addressed for people with disabilities, their families, and the workforce that supports them:

Economic Stimulus and Increased Asset Limits for Social Security and Medicaid

- Economic stimulus should be easily and equitably available to low-income individuals and asset limits for people with disabilities and older adults in Supplemental Security Income, Medicaid, SNAP, and other means tested programs should be eliminated or raised so their benefits will not be a risk from the stimulus. This will also address the issue of people with disabilities being unable to purchase usual supplies and services being at risk of exceeding the asset limits because of the economic slowdown.

Home and Community-Based Services (HCBS) in Medicaid

- Increase FMAP match beyond the 6.2 bump to ensure that Medicaid and state governments have the resources they need to ensure care for people with disabilities.
- Pass the [Corona Virus Relief for Seniors and People with Disabilities](#), including its HCBS grants to support Direct Support Professional (DSP) and Home Health Workforce and to support aging adults and people with disabilities in their homes and communities.

- Pass the Ensuring Direct Access to Direct Support Professionals Act (S. 3220/ H.R. 5443).
- Make the Money Follows the Person (MFP) program permanent.

Housing

- Immediately provide an increase in McKinney-Vento Emergency Solutions Grants.
- Pass legislation to stop evictions to prevent homelessness during the pandemic, including the Eviction Crisis Act.
- Increase funding for the National Housing Trust Fund, the Section 8 Housing Choice Voucher program, the Section 811 Supportive Housing for Persons with Disabilities program, the HOME Investment Partnerships program, and the Community Development Block Grant program and increase funding for Department of Agriculture housing programs.

Medication/Treatment

- Ensure that all testing and treatment for COVID-19 are provided at no cost for all individuals whether insured or not. The Families First Coronavirus Response Act focuses on testing, not treatment.
- Ensure that individuals can access medication and supplies refills for 90 days, including allowances for partial fills and controlled substances, without cost sharing and with financial assistance to allow for self-isolation for at-risk people with disabilities.
- Ensure that service providers have access to the necessary training, equipment and medical supplies.
- Ventilator and PPE Production: Congress must appropriate funds specifically for ramping up production of both Personal Protective Equipment and ventilator production. The Secretary of Health and Human Services should be given authority to expedite bringing new production facilities online and do everything possible to mobilize a “whole-of-country” response to meet these production challenges.

Paid Leave/Sick

- Ensure paid sick days and paid leave provisions include caregivers who can't work because they are caring for an adult with a disability or aging family member whose program has closed or care worker is sick. This was not included in the Families First Coronavirus Response Act.

Rights

- Provide states with resources they need to ensure that even during this crisis, people with disabilities have the supports they need to remain in the community and are not forced into institutional or other congregate settings in violation of their civil rights under the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.*, and at increased risk to their health.

- Ensure the rights of individuals with disabilities and older adults, to be free from discrimination on the basis of disability or age in programs and activities, are protected during all phases of disaster preparation, response, recovery, and mitigation.
- Statement from Congress re: rationing of care to ensure that when rationing treatment begins, decisions about how medical treatment should be allocated are made without discriminating based on disability. Congress should direct the HHS Office of Civil Rights to issue guidance regarding hospital obligations under the ADA, Section 504 and Section 1557 to ensure that people with disabilities are not discriminated against in the rationing of care. The National Council on Disability has already raised concerns about this issue in [a letter](#) to HHS' Office of Civil Rights.
- Do not allow any weakening of the protections of the ADA for businesses or in the building of new facilities if necessary.
- Provide additional funding to states to ensure accessible voting as states are moving to absentee and mail-in voting and so that they may continue to maintain accessible and safe standard voting locations through early voting and on election day.

School/Education

- Ensure that any legislation to support access to virtual education and other supports are inclusive of the unique needs of people with disabilities, including requirements under the Individuals with Disabilities Education Act.

We know that we must act now to prevent much of the worst impact of this outbreak. We urge the Congress to act quickly so that the rights of people with disabilities are recognized in this crisis.

Sincerely,

Access Living

ACCSES

ADAPT Montana

ADAPT OF TEXAS

Addiction Connections Resource

Advocates for Justice and Education

African American Health Alliance

Alianza Nacional de Campesinas

American Academy of Physical Medicine & Rehabilitation

American Association for Homecare

American Association of People with Disabilities

American Cochlear Implant Alliance

American Physical Therapy Association
American Network of Community Options & Resources (ANCOR)
American Spinal Injury Association
The Arc of Colorado
The Arc of the United States
Arizona ADAPT
Association of Assistive Technology Act Programs
Association of People Supporting Employment First
Association of Programs for Rural Independent Living
Association of University Centers on Disabilities
Autism Society of America
Autistic Women & Nonbinary Network
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Caregiver Action Network
Center for Disability Rights
Center for Law and Social Policy (CLASP)
Center for Public Representation
Child Neurology Foundation
Child Welfare League of America
Christopher & Dana Reeve Foundation
Civil Rights Education and Enforcement Center
Clinician Task Force
Coalition on Human Needs
Colorado Cross-Disability Coalition
Council of State Administrators of Vocational Rehabilitation
D.C. Hunger Solutions
Disability Policy Consortium of Massachusetts
Disability Rights DC at University Legal Services
Disability Rights Education & Defense Fund
Epilepsy Foundation
Falling Forward Foundation
Fiscal Policy Institution
Food Research & Action Center
Friends Committee on National Legislation
The Forum for Youth Investment

The Fund for Community Reparations for Autistic People of Color's Interdependence, Survival, and Empowerment
Healthcare Rights Coalition
Hearing Loss Association of America
Hip Hop Caucus
Human Rights Campaign
Independent Living Center of the Hudson Valley, Inc.
Justice in Aging
Lakeshore Foundation
Little People of America
Meals on Wheels America
The Miami Project to Cure Paralysis
MomsRising
The Myositis Association
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Councils on Developmental Disabilities
National Association for the Advancement of Orthotics & Prosthetics
National Association of the Deaf
National Center for Learning Disabilities
National Coalition for Assistive and Rehabilitation Technology
National Council of Jewish Women
National Council of State Agencies for the Blind
National Council on Independent Living
National Down Syndrome Congress
National Employment Law Project
National Health Law Program
National Partnership for Women & Families
National Resource Center on Domestic Violence
National Respite Coalition
National Women's Law Center
North Carolina Justice Center
Not Dead Yet
Paralyzed Veterans of America
Partnership for Inclusive Disaster Strategies
Personal Attendant Coalition of Texas
Public Advocacy for Kids (PAK)

Service Employees International Union (SEIU)

Spina Bifida Association

Starkloff Disability Institute

United Cerebral Palsy - National

Washington Lawyers' Committee for Civil Rights and Urban Affairs

We All Rise

West Virginia Center on Budget and Policy

World Institute on Disability